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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,917	06/15/2007	Masaaki Oshima	285080US6PCT	5125
22850 7590 07/09/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER AGGARWAL, YOGESH K				
ART UNIT		PAPER NUMBER		
2622				
NOTIFICATION DATE		DELIVERY MODE		
07/09/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/573,917

Applicant(s)

OSHIMA ET AL.

Examiner

YOGESH K. AGGARWAL

Art Unit

2622

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,8,10,11,17,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 3,5-7,9,12-16 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed 04/16/2010 have been fully considered but they are not persuasive.

Examiner's response:

2. Applicant argues that Seo fails to teach an image pickup apparatus which includes, inter alia, an image pickup apparatus body which has a handle which is extended in a direction approximately parallel with a light axis direction of a lens system. The handle is provided on an upper portion of the image pickup apparatus body. Further, a first display device is provided on a front portion (in a light axis direction) of the handle. The Examiner respectfully disagrees. Seo teaches in figures 5 and 7, a handle 38 that is provided on the upper side of the image pick up apparatus. This handle is parallel to the light axis direction of the lens system because at least the shorter side (horizontally) of the handle 38 is parallel to the light axis of the lens. The claims are broad and do not recite that the longer side of the handle is parallel to the light axis of the lens system. In the applicant's specification, as shown in figure 5 the longer side of the handle 20 is parallel to the light axis of the lens while the shorter side is perpendicular. Therefore in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. longer side of the handle being parallel to the light axis of the lens system) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

3. Applicant argues that Seo does not teach the display device on a front portion of the handle. Examiner is reading the front portion of the handle as the side of the display device. The

claim has not recited which direction should be the front side in reference to a particular direction. In the absence of a reference point, the front side of the handle 18 is read as where the display 19 is located.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 8, 10, 17, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Seo (US Patent # 5,801,774).

[Claim 1]

Seo teaches an image pickup apparatus comprising: imaging means (camcorder shown in figure 5 would inherently have some kind of image sensor) for forming a video signal of a subject according to a light inputted from a lens device (zoom control switch 14. Col. 3 lines 6-8 teaches how to control the zoom lens, a lens is shown in the front of the body in figure 7, not labeled); an image pickup apparatus body (11) which houses said imaging means and includes a handle (38) which is extended in a direction approximately parallel with a light axis direction of a lens system of said lens device and the handle is provided on an upper portion of the image pickup apparatus body; and a first display device (Seo teaches in figures 5 and 7, a handle 38 that is provided on the upper side of the image pick up apparatus. This handle is parallel to the light axis direction of the lens system because at least the shorter side (horizontally) of the handle 38 is parallel to the light axis of the lens) for displaying a video picture according to said video

signal (col. 3 lines 53+), said first display device (19) provided on a front portion in said light axis direction of said handle such that a posture of the first display device can be changed (see figure 5, col. 3 lines 20-26).

[Claim 4]

An image pickup apparatus according to claim 1, wherein a display surface of said first display device is provided such that a front portion of the display surface, in said light axis direction, is heightened and declines rearward, in said light axis direction. (see figure 5).

[Claim 8]

An image pickup apparatus according to claim 1, wherein a second display device (view finder 12, figure 5) is provided rearward said handle (38) of said image pickup apparatus body in said light axis direction and approximately on a same axis as said handle and said second display device includes a viewfinder (col. 2 lines 66-67).

[Claim 10]

An image pickup apparatus according to claim 8, wherein the light axis of said viewfinder (12) and the light axis of said lens system of said image pickup apparatus body are arranged by a predetermined distance and said viewfinder is arranged in an upper portion apart from said image pickup apparatus body (see figure 5).

[Claim 17]

An image pickup apparatus comprising: imaging means (camcorder shown in figure 5 would inherently have some kind of image sensor) for forming a video signal of a subject according to a light inputted from a lens device (zoom control switch 14. Col. 3 lines 6-8 teaches how to control the zoom lens); and an image pickup apparatus body (11) which houses said imaging means and

includes a handle (18) which is extended in a direction approximately parallel with a light axis direction of a lens system of said lens device and the handle is provided on an upper portion of the image pickup apparatus body; and a first display device (See teachings in figures 5 and 7, a handle 38 that is provided on the upper side of the image pick up apparatus. This handle is parallel to the light axis direction of the lens system because at least the shorter side (horizontally) of the handle 38 is parallel to the light axis of the lens) and a second display device (12) for displaying a video picture according to said video signal, said first display device (19) provided on a front portion in said light axis direction of said handle such that a posture of the first display device can be changed (col. 3 lines 20-26), and said second display device (12) provided on a rear portion, in said light axis direction of said handle such that a posture of the second display device can be changed (see figures 5 and 6, col. 2 lines 66-67 teaches that the second viewfinder 12 is tiltably disposed).

[Claim 19]

An image pickup apparatus according to claim 18, wherein said first display device (19) is arranged such that when said planar monitor is turned to the opposite side and returned to a housing position of the planar monitor so as to be folded, the display surface of said planar monitor faces upward (see figure 7).

[Claim 20]

An image pickup apparatus according to claim 17, wherein on the rear portion of said handle, the second display device (view finder 12, figure 5) is provided rearward said handle (18) of said image pickup apparatus body and approximately on the same axis of said handle and said second display device includes a viewfinder (col. 2 lines 66-67).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seo (US Patent # 5,801,774) in view of Kamamoto et al. (US Patent # 5,982,429).

[Claim 2]

Seo teaches an image pickup apparatus according to claim 1, wherein said first display device includes a flat planar monitor and a turning support mechanism for supporting said planar monitor on said image pickup apparatus body freely rotatably (col. 3 lines 30-45, col. 3 lines 54-62). Seo fails to teach wherein it is made possible to turn said planar monitor approximately 180 degree by the turn of said turning support mechanism. However Kamamoto teaches in figure 5 wherein the planar monitor is shown to be turned by 180 degrees. Therefore taking the combined teachings of Seo and Kamamoto, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have said planar monitor approximately 180 degree by the turn of said turning support mechanism in order for the user to have look at the object clearly by moving the display at a desired angle thereby having a best quality picture for viewing.

[Claim 11]

Seo fails to teach wherein a concave space is provided between an upper portion of a battery housing portion provided on a back face of said image pickup apparatus body and said image pickup apparatus body and it is constituted such that the battery is detachable by being unlocked.

However Kamamoto teaches a battery 5 located a concave space is provided between an upper portion of a battery housing portion provided on a back face of said image pickup apparatus body and said image pickup apparatus body and it is constituted such that the battery is detachable by being unlocked (figure 1). Therefore taking the combined teachings of Seo and Kamamoto, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a concave space is provided between an upper portion of a battery housing portion provided on a back face of said image pickup apparatus body and said image pickup apparatus body and it is constituted such that the battery is detachable by being unlocked in order for the user to easily remove the battery.

Allowable Subject Matter

5. Claims 3,5-7, 9, 12-16, 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOGESH K. AGGARWAL whose telephone number is (571)272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yogesh K Aggarwal/
Primary Examiner, Art Unit 2622